IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23120 of 2004

Between:

1 Renukupta Vijaya Kumar, S/o.R.Ramaiah,
R/o.H.No.2-304, post & Mandal Toguta, Medak District, Andhra Pradesh.
2 Kasam Narayana, S/o.Ramlingam,
R/o.H.No.1-22/1, Kooknoor pally, Mandal Kondapak, Medak District.
3 B.Anil Kumar, S/o.B.Venkatesham,
R/o.H.No.1-22, Kooknoor pally,
Mandal Kondapak, Medak District.
4 Ghulam Dastagir, S/o.S.S.Quadri,
R/o.Gajwel, H.No.14-186,
Gajwel (Post & Mandal), Medak District, Andhra Pradesh.

..... PETITIONER(S)

AND

1 Joint Collector Cum Ex-officio Executive Director, A.P.State Civil Supplies Corporation Limited, Sangareddy.
2 The District Supply officer Cum Ex-officio District Manager, A.P.State Essential Commodities Corporation, District office
Sangareddy.
3 The State of Andhra Pradesh, Civil Supplies Department, A.P.Secretariat, Hyderabad rep.by its Secretary.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or an appropriate direction or order in the nature of writ declaring the tender notice dt.06-12-2004 bearing No.TDS/Movement/Stage II/2003 issued by the 1st respondent is arbitrary, discriminatory and void and violative of Article 14 and 21 of the Constitution of India and principles of natural justice and consequently direct the respondents to continue the petitioners for stage II

transportation of essential commodities under welfare scheme without insisting on furnishing of any security deposit or bank guarantee in the interest of justice and pass such other or further orders.

Counsel for the Petitioner:MR.B.NALIN KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioners are the owners of light commercial vehicles. They claim to have purchased the same by acquiring loans from financing agencies. It is their case that the respondents have been entrusting the transport at stage-II, viz., from Mandal Level Stock points (MLS), to the fair price shops, to them, on nomination basis, duly stipulating the charges from time to time. They feel aggrieved by the tender notice, dated 06-12-2004, issued by the 1st respondent, notifying the tenders for award of such contract.

Learned counsel for the petitioners submits that the practice of entrusting the transport work to the petitioners was in vogue for more than a decade, and a semblance of legitimate expectation exists in favour of the petitioners. He contends that stopping the entrustment of the work to the petitioners, abruptly, and making them to face strict competition with established transporters would result in hardship as well as livelihood to them.

Heard the learned counsel for the petitioners and Sri M.B.Timma Reddy, learned Standing Counsel for the respondents.

Time and again this Court held that the State has full freedom in taking such measures, as it intends in the matter of distribution of essential commodities. The transport of the commodities is undertaken at two stages, viz., from Godowns to Mandal Level Stock points, and stage II, M.L.S points to the fair price shops. It may be true that the petitioners were being entrusted the work of transport at stage II, for the last several years. However, when the respondents have chosen to notify tenders, no exception can be taken to such exercise. In fact, entrustment of the work, after inviting tenders, is recognized as one of the transparent methods. Such a

practice is in vogue, almost in every district. The petitioners cannot be said to have acquired any vested right, to in insist that they alone shall be awarded the transport contract. Their hardship can be relieved to certain extent by permitting them to apply through their association, and exempting them from making the deposits.

Hence, the writ petition is disposed of, directing that the steps in pursuance of the tender notice may go on, and if the petitioners submit their tenders through their association, shall not be required to submit the E.M.D. If they emerged as successful tenderers, the award of contract shall be only subject to their compliance with all the prescribed conditions. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.14-12-2004

Note:

Issue operative portion by

wire at parties costs, tomorrow.

(B/O) KO

To

1 Joint Collector Cum Ex-officio Executive Director, A.P.State Civil Supplies Corporation Limited, Sangareddy.
2 The District Supply officer Cum Ex-officio District Manager, A.P.State Essential Commodities Corporation, District office
Sangareddy.
3 The State of Andhra Pradesh, Civil Supplies Department, A.P.Secretariat, Hyderabad rep.by its Secretary.

4. 2 CCs to G.P. for Civil Supplies, High Court of A.P., High Court Buildings, Hyderabad.

5. 2 C.D copies.

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.23120 OF 2004

Dated 14-12-2004